

REMARKS/ARGUMENTS:

Claims 10 - 13 have been cancelled without prejudice. Claims 1 - 9, and 14 - 20 remain in the application.

Claims 8 - 13, 18 and 19 were provisionally rejected under 35 USC §101 as claiming the same invention as that of claims 1 through 16, 18 and 19 of co-pending application No. 10/821,519.

Applicant has cancelled claims 10 - 13 without prejudice. Therefore, the provisional double patenting rejection under 35 USC §101 is moot as to those claims. It is respectfully submitted that claims 8, 9, 18 and 19 do not correspond exactly to the claims of the 10/821,519 application. In particular, claims 8 and 9 include all of the limitations of independent claim 1, which require a deep rolling tool having a housing with first and second members wherein the first and second members rotate relative to one another between a first position at which the members are substantially aligned and locked and a second position at which the members are separable. These limitations are not claimed in claims 1 through 16, 18 and 19 of co-pending application 10/821,519. Therefore, claims 8 and 9 of the present invention do not claim the same invention as that of co-pending application 10/821,519.

Claims 18 and 19 of the present invention include the limitations of independent claim 14 that requires an apparatus for deep rolling of a work piece wherein at least one of the upper and lower tools includes first and second housing members twistable relative to one another between a first radial position at which members are locked together and a second radial position at which the members are separable. These limitations are not claimed in claims 1 through 16, 18 and 19 of co-pending application 10/821,519. Therefore, claims 18 and 19 of the present application do not claim the same invention as that of claims 1 through 16, 18 and 19 of co-pending application

10/821,519. Therefore, it is respectfully submitted that the double patenting rejection under 35 USC §101 with regards to claims 8, 9, 18 and 19 was made in error and it is respectfully submitted that claims 8, 9, 18 and 19 overcome the rejection under 35 USC §101 and are allowable.

Claims 10 through 13 were rejected under 35 USC §102(b) as being anticipated by Vodopyanov (6,360,574). Applicant has cancelled claims 10 through 13 without prejudice. Therefore, the rejection under 35 USC §102(b) has become moot.

Claims 1 - 7, 14 - 17 and 20 were allowed.

If the Applicant can be of any further assistance or provide any other information in the prosecution of this application, the Examiner is requested to call the undersigned at (248) 364-2100.

Respectfully submitted,

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